

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

LISA FRAIBERG,

Plaintiffs,

v.

CASE NO. 06-13257  
HON. LAWRENCE P. ZATKOFF

BOARD OF REGENTS OF THE  
UNIVERSITY OF MICHIGAN.

Defendant.

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**ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS**

Plaintiff filed her Complaint on July 19, 2006. Plaintiff's Complaint contains the following five counts:

- Count I      Family Medical Leave Act Violations;
- Count II     Family Medical Leave Act Retaliation;
- Count III    Americans with Disabilities Act Discrimination;
- Count IV    Michigan Persons with Disabilities Civil Rights Act Violations; and
- Count V     Michigan Whistleblower's Protection Act Violations.

*See* Complaint.

The Court has subject matter jurisdiction over Counts I, II and III, because they arise under federal law. *See* 28 U.S.C. § 1331. Counts IV, and V, however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in this matter. The Court finds that the

contemporaneous presentation of Plaintiff's parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state law claims involving the Michigan Persons with Disabilities Civil Rights Act and the Michigan Whistleblower's Protection Act (Counts IV and V) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims (Counts I, II and III).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: August 21, 2006

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on August 21, 2006.

s/Marie E. Verlinde

Case Manager

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